

REMARKS

Claims 27, 29-42, 44-46, 48-50 and 52-54 are pending in the application.

Claims 27, 29-42, 44-46, 48-50 and 52-54 have been rejected.

Claims 27, 42, 46, 50, and 52-54 have been amended.

Claims 62-64 have been added. These claims are supported by, at least, paragraphs 44, 53, and 54 of the specification. No new matter is added.

Rejection of Claims under 35 U.S.C. §101

Claims 46-49, 50 and 52-54 stand rejected under 35 U.S.C. §101 because the claimed invention is purportedly directed to non-statutory subject matter. Applicants submit that the amendments to claims 46, 50, and 52-54 are sufficient to overcome these rejections.

Rejection of Claims under 35 U.S.C. § 102(e)

Claims 27, 29-30, 32-42, 44-46, 48-50, and 52-54 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2003/0225972 listing Miyata et al. as inventors ("Miyata"). Applicants respectfully traverse this rejection.

Applicants respectfully submit that the cited passages of Miyata fail to disclose sieve as recited in amended claim 27. Particularly, the cited passages fail to disclose a sieve comprising at least one location description that only identifies all storage locations within the storage area upon which the operation can be performed.

The Office Action equates Miyata's FIG. 2 with the claimed sieve. Office Action, p. 4. The Office Action also equates element 201 of FIG. 2 with the location description of the sieve recited in claim 27. *Id.* The Office Action also states that all bits of element 203 with value 1 identify all storage locations within the storage area upon which the operation can be performed. *Id.*, p. 4-5. While Applicants do not concede the validity of this reasoning, Applicants note that element 203 includes bits that are set to 0 and bits that are set to 1. Therefore, by the Office Action's own reasoning, element 203 identifies

storage locations upon which the operation cannot be performed, in addition to those upon which the operation can be performed. This reasoning is supported by the disclosure in Miyata of the need for a judgment of the value of each bit of element 203. See, e.g., Miyata ¶ 112. If the value of a bit in element 203 is false (0), the corresponding block is not processed (the operation is not performed on that block). *Id.* Since Miyata discloses that not all locations identified in FIG. 2 can be processed, Applicants respectfully submit that the cited portions of Miyata do not, and cannot, anticipate amended claim 27, which recites that the seive's location description only identifies all storage locations upon which the operation can be performed.

Accordingly, Applicants submit that claim 27 is patentable over the cited references. Applicants submit that these arguments apply with equal force to independent claims 42, 46, and 50. Thus, independent claims 27, 42, 46, and 50 are allowable for at least the foregoing reasons. The respective dependent claims 29-30, 32-41, 43-45, 47-49, 51-54, and 58-61 are allowable for at least the same reasons that claims 27, 42, 46, and 50 are allowable.

Regarding claim 37, Applicants assume that the Office Action intended to propose combining Krishnamurthy 6:1-3 and 6:30-39 with Miyata and so the rejection of claim 37 should fall under 35 U.S.C. 103. However, neither the cited portions of Krishnamurthy nor the cited portions of Miyata, either alone or in combination disclose each location specified by a number of contiguous locations. Krishnamurthy explicitly teaches away from including a number (or count) of contiguous locations. For example, Krishnamurthy teaches "no storage except for the single bit itself is required." Krishnamurthy 6:4-41. Accordingly, Applicants submit that claim 37 is patentable over the cited references.

Rejection of Claims under 35 U.S.C. § 103(a)

Claim 31 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Miyata as applied to claim 27 and further in view of U.S. Patent No. 6,823,436 issued to Krishnamurthy ("Krishnamurthy"). Claim 31 is patentable over the cited art for at least the foregoing reasons presented above with respect to claim 27.

New Claims

Applicants have added dependent claims 62-64. These claims are supported, at least, by paragraphs 44, 53, and 54, respectively. No new matter is added. Applicants respectfully submit that these claims are patentable at least by virtue of depending from an allowable base claim.

CONCLUSION

In view of the amendments and remarks set forth herein, the application and the claims therein are believed to be in condition for allowance without any further examination and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5092.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicant hereby petitions for such extensions. Applicant also hereby authorizes that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to deposit account 502306.

Respectfully submitted,



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